IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

DAVID DITTER,	
Plaintiff,) 4:16CV3159
v.)
NEBRASKA DEPARTMENT OF CORRECTIONAL SERVICES, SCOTT FRAKES, in his individual & official capacity, RANDY T. KOHL, MD, in his individual & official capacity, CORRECT CARE	ORDER)))))))
SOLUTIONS, RONALD OGDEN, DDS, in his individual & official capacity, and LISA MATHEWS, in her individual & official capacity, Defendants.)))))))

Judgment was entered in this case on May 11, 2018, and Plaintiff filed a Notice of Appeal, along with the \$505.00 appellate filing fee, on June 11, 2018. (Filing Nos. 101 & 102.) Also on June 11, 2018, Plaintiff filed a Motion for Leave to Appeal In Forma Pauperis. (Filing No. 103.) Because Plaintiff's appellate filing fee has been paid, Plaintiff's Motion for Leave to Appeal In Forma Pauperis (Filing No. 103) will be denied as moot.

On June 14, 2018, Plaintiff filed a Motion to Appoint Counsel (Filing No. <u>106</u>). Because this case is now on appeal, this motion will be forwarded to the Eighth Circuit Court of Appeals for ruling. Accordingly,

IT IS ORDERED:

- 1. Plaintiff's Motion for Leave to Appeal In Forma Pauperis (Filing No. 103) is denied as moot for the reason that Plaintiff's appellate filing fee has been paid;
- 2. Plaintiff's Motion to Appoint Counsel (Filing No. <u>106</u>) is referred to the Eighth Circuit Court of Appeals for disposition; and
- 3. The Clerk of Court shall send a copy of this Order and Plaintiff's Motion to Appoint Counsel (Filing No. <u>106</u>) to the Eighth Circuit Court of Appeals for disposition.

DATED this 18th day of June, 2018.

BY THE COURT:

s/ *Richard G. Kopf*Senior United States District Judge